



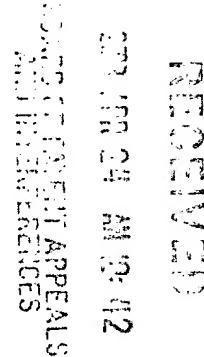
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph B. Kejha
Serial No. 08/950,445
Filed: October 15, 1997
For: Long range and ultra light electric vehicle

Group Art Unit: 3611
Examiner: Frank Vanaman

Appeal No.: 2002-1780

Box 8
Commissioner of Patents and Trademarks
Washington, D.C. 20231



Notice of Appeal to the United States Court of Appeals for the Federal Circuit

To the Commissioner of Patents:

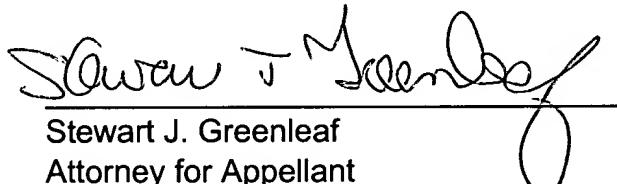
You are hereby notified of an appeal to the United States Court of Appeals for the Federal Court from the decision of the Board of Patent Appeals and Interferences rendered on the 24th day of February, 2003, rejecting the above-entitled application and refusing a patent for the invention set forth herein. A copy of said Order is attached hereto made a part hereof and marked Exhibit "A".

The following are assigned as reasons of appeal:

1. The Board of Appeals erred in affirming the Examiner's rejection of claims 10 to 12.
2. The Board of Appeals erred in failing to reverse the Examiner's rejection of claims 10 to 12 and in not allowing said claims.
3. The Board of Appeals erred in stating that U. S. Patents West 3,517,766 and Munday 5,143,025 were bars under 35 U.S.C. § 103.
4. The Board of Appeals erred in stating that the applicant's patent was barred by a finding of prior art and an obvious combination of prior art, when in fact such patent represents an exercise of inventive skill and creative talent beyond that of an ordinary designer chargeable with knowledge of prior art.

5. The Board of Appeals erred in finding the patent obvious through hindsight.
6. The Board of Appeals failed to provide an actual reference combining Munday and West.
7. The Board of Appeals erred by ignoring Appellant's argument that no one realized that the short range of a hydrogen internal combustion engine could be overcome by an electric hydrogen configuration. Furthermore, the Examiner and the Board failed to acknowledge that long range is not claimed, because it is the natural result and nonobvious and unexpected result of the invention, and is supported by the specifications.
8. The Board of Appeals erred in finding that Munday eliminated claims 10 and 12 because Munday has no storage of hydrogen. Munday produces hydrogen on demand only for safety which is the main basis of Munday's invention.

Respectfully submitted,



Stewart J. Greenleaf
Attorney for Appellant

Reg. No.: Petition for admission to
the Appeals Court accompanies
this Notice

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April 18, 2003

EXHIBIT "A"



The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

FEB 24 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH B. KEJHA

Appeal No. 2002-1780
Application No. 08/950,445

HEARD: February 4, 2003

Before ABRAMS, FRANKFORT, and NASE, Administrative Patent Judges.
NAZE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 10 to 12. Claims 1 to 9 and 13 to 33, which are all of the other claims pending in this application, have been withdrawn from consideration.

We AFFIRM.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

NEAL E. ABRAMS
Administrative Patent Judge

CHARLES E. FRANKFORT
Administrative Patent Judge

JEFFREY V. NASE
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES